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THE RANDOLPH MANUSCRIPT.

VIRGINIA SEVENTEENTH CENTURY RECORDS.

From the Original in the Collection of the Virginia Historical Society.

(CONTINUED)

[FROM THE PRIVY COUNCIL.]

To Our very good Friends the Governor and Council in Virginia.

After our very hearty Commendations we have thought fit to let you know that his Majesty of his Royal favour and for the better encouragement of the planters there doth let you know that it is not intended that Interests which men had Settled there when you were a Corporation should be impeached, that for the Present they may enjoy their Estates and Trades with the same freedom and privileges as they did before the recalling of their patents, to which purpose also in pursuance of his Majesties most gracious Intention We do hereby Authorize you to dispose of such proportions of Lands to all those planters being freemen as you had power to do before the Year 1625. We have also thought meet to recommend unto you in particu-

lar Captain William Button¹ in regard to the Service done by him to the Plantation as we are informed as is best known to your selves, requiring you to allow him so much land on either side of the River Appamatock as may be most convenient for him as hath been heretofore usually granted for himself and so many Servants as he hath or shall now transport and for your further powers it is now had in consideration And you shall Shortly know the King's further pleasure and we bid you heartily Farewell. From Whitehall, 22nd July, 1634.

Tho: Coventry Co.

Kelley,

Manchester.

Francis Cottington,

E. Newburge

Thomas Jermyn,

Francis Wyndbanke.

[EXTRACTS FROM VIRGINIA RECORDS, 1634.]

[Printed in part in *Hening*, I, 225, and the remainder in *Va. Magazine*, XIII, 390-391, except two paragraphs, viz: "Commission for Commander at the Fort at Point Comfort to Francis Pott and Samuel Mathews," and "Several Commissions to go to war with the Indians our Irreconcilable Enemies, July, 1634."]

[APPOINTMENT² OF COMMISSIONERS TO CONSIDER THE SUBJECT
OF A CONTRACT BETWEEN THE KING AND THE
COLONIES FOR ALL TOBACCO PRODUCED.]

Charles by the Grace of God, King of England Scotland

¹ Captain William Button, who had commanded a ship in the expedition to releave Rochelle in 1628, came to Virginia in 1633. At the request of the planters he returned to England in February, 1634, and presented their wants to the Council. He was successful, and obtained the order of Council printed in the text. Button died before 1639, and his widow became the wife of Ralph Wyatt, who had been wounded in the expedition against the Isle of Rhé. (Neill's *Virginia Carolorum*, 93, 94.)

² These commissioners were to aid in carrying out a favorite scheme of the King—a contract with the tobacco growing Colonies by which he should have the sole pre-emption of that product. In spite of the determination expressed by the King, the contract was never completed, as the Colonies, Virginia especially, strenuously opposed the terms offered. Many of these commissioners were men connected with the collection of the public revenue, or were noted merchants.

France and Ireland, Defender of the Faith &c. To our trusty and Well beloved Sir William Russell Knight and Baronet Sir William Uvedale Knight Sir Dudley Diggs Knight Sir John Wolstenholme the Elder Knight Sir Sampson Darel^a Knight Sir John Wolstenholme the Younger Knight Sir Abraham Dawes Knight Sir John Jacob Knight Henry Garaway of London Alderman Anthony Abdy of London Alderman John Latch and John St. Almand Esq's Isaac Jones Marmaduke Royden Robert Oxwick John Slaney and Philip Burlamachy of London Merchants Edward Ditchfield Robin Born and George Bromley of London Grocers Whereas not long since by our Several Proclamations we have declared our Royal Pleasure concerning the Importing of All sorts of Tobacco Growing upon our English plantations to the port of London with such Charge and command to our Several officers to see the same performed accordingly and also have for divers Reasons expressed in the said proclamations Confirmed

^a Sir Sampson Darrell was son of Sir Marmaduke Darrell, of Fulmer, Bucks, and his wife, daughter of John Lennard, of Knole in Kent. Sir Marmaduke was a member of the Virginia Company, surveyor general of victuals for the navy, &c. Sampson Darrell, the son, matriculated at Queen's College, Oxford, May 8, 1607; B. A. January 31, 1609-10; of Gray's Inn 1610; knighted June 13, 1619; M. P. for Wendover 1626; victualler of the King's ships, and died in London May 14, 1635. (*Foster's Oxford Matriculations*.) There were probably descendants of this family in Virginia. On November 28, 1694, Mr. Sampson Darrell was granted 200 acres on Doegs Run, then in Stafford county. On November 21, 1715, Mr. William Darrell, of Stafford county, was granted 714 acres on Pimmets (alias the Upper Spout) Run, near the falls of Potomac, and later Sampson Darrell, grandson and heir of Sampson Darrell the elder, of Stafford county, was given a regrant for part of a tract of land granted to his grandfather November 28, 1694. In Stafford county is recorded a deed, dated August 6, 1703, from Sampson Darrell, of Gloucester county, gent., conveying land in Stafford to John Cave, of King and Queen, carpenter. In Prince William is a lease for 100 acres of land, June 8, 1735, from Sampson Darrell, of Prince William county, to Pearce Noland, and by deed dated June 29, 1738, and recorded in Prince William, Sampson Darrell, of Truro Parish, Prince William [afterwards Fairfax county], leased to Cockerell, &c., 200 acres, part of a larger tract formerly granted to William Darrell, late deceased, father of the said Sampson.

and renewed our streight Commands and directions to all our Justices of Assize our Justices of Peace our Mayor Sheriffs and all other Our Officers of our Several Counties in their several places to be aiding and Assisting to those we have and shall Employ for the Rooting out and Depressing all English Tobacco lately planted &c. growing in divers places of our Realm of England & Ireland which said proclamations being Duly Executed will no doubt much advantage the benefit of the said foreign plantations as also a better conformity in the Orderly Payments of our customs and Imports usually paid us for the same. Yet having of late received creditable Information that many of the Planters residing upon the said Colony have and are Still likely to Suffer under the Burden of many Oppressions Occasioned by the Secret and Indirect Trade of particular Merchants and Shop keepers who make a prey of them and their Labours by Supplying their Necessities with commodities at such unreasonable rates that they are usually forced to pay fifty or Sixty pounds weight of Tobacco for a pair of Shoes with such like unconscionable Advantages in several other Merchandizes that the poor planters have had Scarce necessities for their Bodies but have engaged the most part of their Crop before hand to their said Merchants and Shop keepers insomuch that they only Labour and Live to enrich those that thus work upon their Necessities without any Ability Either to Satisfie Us our Duties or to Apply themselves to more noble and Stable Commodities Whereby they may become of Consequence to our Crown of England Which Unjust and Unconscionable Course of the said Merchants and Shop keepers (as we are likewise informed) have some Years past been so grievous unto the said Planters that they have Contrary to expectation been not only forced to petition for Abatement of our Ordinary Customs and Imposts but have in Extream necessity begged their bread from Door to Door without any help and relief from the said Merchants and Shop keepers By which means and out of the woful Experience of their miseries they have been of Late Years Compelled to offer their Tobacco to divers of the Merchants in London tendering unto them a contract for some term of Years which being refused they have since been force to send their Tobacco or the most part

for foreign ports without any payment of our ordinary Duties any regulations either in Quality or Quantity of Tobacco or any respect to us or our Dominions from whence they have annual Support of their munition and Provision and this contrary to our Royal command in our Several proclamations and several Orders of our Council in that behalf By all which and other Indirect and disorderly proceedings in the said plantation we apparently see the Danger of their Utter Ruin besides the Loss of those Just profits that do belong unto us and being lately Solicited by divers of that Body (who do sensibly groan under the Burden) to take all those grievances into our Royal consideration and finding that in their Infancies as yet the chiefest Commodities that must Support and enable them to more Stable Commodities is this of Tobacco for which if they fail of an indifferent and reasonable rate the said Planters must wholly be disabled and impoverished having advised with our Lords and others of our Privy Council we are resolved and our Will and Pleasure is to have hereafter the sole preemption of the said Tobacco Growing upon the said Plantations and that at such Rates and Prices as shall be found fit (having respect to the Support of the said Colonies and being moved to make choice of some fit and able Persons who have Experience of the Value and Quality of the said several sorts of Tobacco as also of the Condition of the present State of the said Plantations and have observed the great necessities and Miseries they have endured by the irregular Planting and ordering thereof and unconscionable Practices put upon them in the State thereof Know ye therefore that we reposing Especial trust and Confidence in the fidelity long Experience and Diligence have nominated constituted and appointed Willed and Required and by these presents do nominate and appoint Will and require you the said Sir William Russell Sir William Uvedale Sir Dudley Diggs Sir John Wolstenholme the Elder Sir Sampson Durel Sir John Wolstenholme the Younger Sir Abraham Daws Sir John Jacob Henry Garaway Anthony Abdy John Latch John St. Almand Isaac Jones Marmaduke Royden Robert Oxwich John Slany Phillip Burlamachy Edward Ditchfield Ruben Burne and George Brumley to be our Commissioners Giving and by these presents Granting unto you and unto any

Seven or more of you (whereof you the said Sir John Wolstenholme the Elder Sir John Wolstenholme the Younger Sir Abraham Dawes or Sir John Jacob to be one) full power and Authority to call before you all such person and Persons as have any Interest in the Plantations of Virginia Bermudas the Caribe Islands and any other of our English Colonies and acquainting them with this our Royal Will and Pleasure to require them to declare unto you or any such Seven or more of you their several Interests and to demand and know what Quantities of Tobacco they have upon their Several Plantations what they expect upon their return and when they expect the same and in our Name to Contract and Treat with them either in part or Company for their Several Quantities that their Several Quantities being taken of at reasonable rates and in different days of payment they may bring no interruption in our intended contract with the Planters themselves upon the said Plantation And because many of them upon some private End may seem unwilling to make this Contract Alledging that some of the Planters Inhabiting in the said Colonies are the Chief Owners and Ingrossers of the said Tobacco and that there is little belonging to them but for Satisfaction of Several Parcels of Goods and Wares which they have * * * [illegible] into those Plantations or Colonies for which they have no payment but by Tobacco These are to require you and Authorize you and any Such Seven or more of you to assure on our behalf the said Planters and Owners that we are now sending our Commission into every of the said Plantations and treat and conclude the Contract there and that we hold it fitting first to begin at home that the said Planters may see we have ommitted nothing that shall conduce to this Service or that may take away any obstacle thereupon pretences of Debts or otherwise and if any of the said Debts shall appear to be of so great Value You are likewise to enquire of the Condition of them and whereupon they grow that if it shall be found Just and fitting we may give order to Examine the same there also and to regulate such order to the Merchants and Shop keepers here as shall be reasonable for their Gain and not now oppressive and burdensome to the said poor planters and because the Season calls upon a Dispatch of this business and that we may

be the better informed of all difficulties that may arise in the Same our Will and Pleasure is that you forthwith give us an account of your proceedings and Conclusions herein and if any oppressions be made as in all business of this Nature the beginning is full of Doubts and Interruptions Our Will and pleasure is that you certifie unto us the Names of such that are refractory to this our Command And if they shall demand greater rates than you on our Behalf shall think fit to be given or shall make any other pretence why they should not Submit themselves unto this our Royal Pleasure wherein our aim is not for our own private Profit as for the Support of our said Colonies and preservation of our Subjects who live and reside there Our Will and Command is also that you or any Such Seven or more of You Certifie together with such their refusal the reasons they Offer for the same to the End that we may perceive what can be objected against this our Royal intention And because Our Desire is to have all Expedition in this Contract and to proceed abroad upon the said Plantations with the said Expedition we Go at Home Our Will is and we do require you to give such Attendance upon this our Service that we may have this our Commission returned unto us before the fourteenth day of July next and herein to consider of all such Occurrences that as well here as upon the said Plantations may fall out for the Advancement of this our Service together with the prices you shall think requisite to be Given the Day of Payment you shall agree for with the Quantities and Qualities of Each Plantation to be Yearly allowed and for what Term of Years the Contract of Years shall continue and by what means it may be best Effectuated and the said Tobacco orderly brought into our said Port of London from whence all Dometick and forreign part are to be supplied with such other Incident Considerations as that our Service shall require that Accordingly we may immediately Dispatch our said Commission to the said Plantations and make a Settlement of this business for the more speedy relief of our said poor Subjects and the full performance of this our pleasure and Command. In Witness &c. Witness our Self at Westminster the Nineteenth day of June the tenth Year of our Reign.

℞ Breve privato Sigillo.

[EXTRACTS FROM VIRGINIA RECORDS, 1634.]

[Printed, *Va. Magazine*, XIII, 391, 392, 394, except the paragraph: "Roger Delke outlawed for Debt and a Capias issued against him."]

[ACTS OF ASSEMBLY, 1639.]

[Printed, *Hening*, I, 224-229.]

[NOTES FROM THE VIRGINIA RECORDS, 1639-1641.]

[Printed in part in *Hening*, I, 552, and the remainder in *Va. Mag.*, XIII, 392-394, except the following paragraphs: "Arch Bishop of Canterbury grants administration, *cum Test. annexo*, of Sir John Zouch's will," "Quarter Court held at 8 April '40, see 11th Act, 1639, a Judgement according to the 8 Act 1639," "A Grand Jury returned an Indictment for Murder, ignoramus and the prisoner after proclamation, acquitted and cleared," "Admon revoked on producing a probate granted in England."]

[A REMONSTRANCE OF THE GRAND ASSEMBLY, 1642.]

[Printed, *Hening*, I, 236-238.]

[THE DECLARATION AGAINST THE COMPANY.]

[Printed, *Hening*, I, 230-236.]

[LETTER OF CHARLES I, TO THE GOVERNOR, COUNCIL AND BURGESSES OF VIRGINIA, JULY 5, 1642.]

[Printed, Campbell's *History of Virginia*, 201-202.]

[EXTRACT FROM THE VIRGINIA RECORDS.]

[Printed, *Va. Mag.*, XIII, 396.]

[ARTICLES AT THE SURRENDER OF THE COUNTRY, 1652.]

[Printed, *Hening*, I, 363-367.]

[THE NUMBER OF BURGESSES RETURNED TO THIS ASSEMBLY
APRIL 26, 1652, AND THE OATH ADMINISTERED
TO THE BURGESSES.]

[Not only the numbers, but the names are given in, *Hening*, I, 369-371. The oath is printed, p. 71. In the Randolph MS John Corker is styled "Clerk B. H.," instead of "Cl. Dom. Com.," as in *Hening*.]

[ELECTION OF COUNCILLORS, APRIL 30, 1652.]

[Printed, *Hening*, I, 371-372.]

[LETTER OF GOVERNOR BENNETT TO THE ASSEMBLY, JULY
5, 1653.]

[Printed, *Hening*, I, 377.]

[PROCEEDINGS OF THE BURGESSES, JULY, 1653.]

[Printed, *Hening*, I, 778.]

[THE NUMBER OF BURGESSES, JULY 5, 1653.]

[The names are printed, *Hening*, I, 379.]

[PROCEEDINGS⁴ AGAINST PERSONS FOR SPEAKING CONTEMPTUOUSLY OF THE GOVERNMENT, JULY ASSEMBLY, 1653.]

A Charge * * * against Captain Abraham Read [words illegible].

Since his last Arrival in Virginia hath behaved himself Contemptuously to the disturbance of the peace of the Governor and Government of this Colony settled by Authority of Parliament.

That the said Read said that he could and would by his own Commission command Lieut. Coll. Cornelius Loyd and not only him but his General meaning the Governor who is Stiled Captain General of Virginia.

That the said Abraham Read taxed the Governor that he had

⁴ This affair of Reed's seems to have been some personal quarrel. It is not clear whether he thought the Navigation Act had not been enforced with sufficient thoroughness or the reverse.

done so much [words illegible] the Spanish Flemmings meaning the two Ships lately arrived from Dunkirk and Ostend and that he would be called home into England and there they would deal well enough with him.

That the said Abraham Read contemptuously vaunted that if he had been below he would have shot too against the Ship wherein the Governor was as the other three Ships did and would have sunk her for wearing the Spanish Colours in the main top notwithstanding the Governor's being there or else she should have sunk him.

That the said Read falsely and injuriously taxed the Government with supplying the Utter Enemies of the Commonwealth of England and that he could make it Appear with many other Agitations to that purpose.

That the said Read said that if he had been below he would have disobeyed the Governor's Warrant as he heard Captain Pott had done.

That the said Read hath injuriously utter'd in Discourse that no forreigners ought to have trade in Virginia Which [illegible] is Contrary to Act of Parliament for the Increase of Navigation and the Articles granted upon the Surrender of this Colony to the Obedience of the Parliament.

That the said Read being told that the Captain & Merchant of the Dunkirk Ship had carried their Commissions and Cocquets to the Governor Said what have they to do to carry them to the Governor they should have brought them unto us Captain Gunnell being then in Company and saying the Same.

That Charge and everything therein contained according to the several Articles is acknowledged by me Abraham Read to be true and Just. I confessing myself guilty of them Do humbly refer myself to the merciful censure of this Assembly.

ABRAHAM READ.

This Acknowledgment made in Open Assembly this 7th July, 1653.

Whereas Captain Abraham Read has since his last arrival in this Colony behaved himself very Contemptuously to the Disturbance of the peace of the Government and Governor of this Colony Settled by Authority of Parliament and being brought

to answer his Charge read unto him having Confessed himself Guilty in every particular and acknowledged under his hand. It is therefore Ordered that the said Captain Abraham Read Do forthwith pay as a fine for his Contempt and misdemeanor ten thousand pounds of Tobacco and cask and put in good Security for his good Behaviour in this Colony and until the performance of this Order to stand Committed to the Sheriff of James City County.

To the Honourable Governor, Council and Burgesses Assembled &c.

Abraham Read humbly presenteth.

That Whereas the petitioner was imprisoned and fined for some Offences, by your Honour and Worships which he hath Already Ingenuously acknowledged before you & to the perpetrating whereof he was only moved with the Languages of others and not with the least thoughts of Malignity intents in himself.

Wherefore having heretofore humbly acknowledged Submitted and desired Your Honour and Worships free. He Yet humbly reimplores your Clear Considerations of the great Meekness of Humanity how that Passion is or Man be Stirred up which your petitioner is now sorry for and that your honours and Worships would also be pleased to look upon more Clemency the Rigour in regard to the Petitioner and his Wife and Children are now fitter Objects of Pity than Punishment and be pleased to remit the fine imposed on the Petitioner.

And he shall pray &c.

To the Right Honourable Richard Bennett Esq'r Governor and Captain General with the Honourable Council of State.

The Humble petition of Edward Gunnel Presenteth—

That Whereas your Honours have been informed that Something hath been said and Acted by your humble Petitioner that hath been taken as high Disobedience to the just power of this Government and whereas your Honours have been graciously pleased to afford your petitioner both Means and time to answer the said Delinquents he now presenteth his humble Adresses to your Honor's feet, publicly declaring that whatsoever hath been said or Done in Offence to your Honours

or the Government here Established your Petitioner confesseth himself to be heartily and penitently Sorry for and doth in all humility crave your Honour's Pardon Your Petitioner faithfully promising and obliging himself never hereafter to Abuse nor Offend any person from the highest to the lowest within this Government.

He therefore craveth in your Christian and Gracious Mercies that he may be released from the aforesaid Charge and he shall ever pray &c.

EDW'D GUNNELL.

The Deposition of Samuel Taylor, aged 38 Years or thereabouts.
Examined and Sworn.

Saith—

That this Deponent by Warrant Arresting Captain Thomas Wilson Captain Hugh Wilson and Captain John Pegro to answer to such Objections as should be asked against them before the Governor and Council which power they rejected deriding it with Laughter and Scorn Saying who could fetch them out of their Ships Whereupon this Deponent demanded of the said Parties being Masters of Ships the Castle duties they answered they would not pay any for they knew not any that had Power to demand it for they had orders from their owners to the Contrary.

SAMUEL TAYLOR.

Juratus in Curia, 10th July, 1653.

Test: John Corker,

Clerk to the Burgesses.

July 12, 1653. By the Unanimous Opinion of the House of
Assembly.

It is ordered that John Baldwin shall have and keep his place.

JOHN CORKER,
Clerk to the Burgesses.

13 July, 1653.

Coll. Francis Yeardley this day entered his Caveat of Information against David Cardoon according to the Act as Coll. William Clayborn Esq'r hath shewed President.

FRANCIS YARDLEY.

[BILL OF SALE FOR THE SHIP LEOPOLDUS.]

[Printed, *Hening* I, 382-383, note.][PUBLIC LEVY,^a 1653.]

Northampton County—

500 Tithables at 22 lb. ³ / ₄ poll,	11,200
To 100 lb. of Powder at 12 lb.,	1,200
To 245 of Shot at 2,	490

12,890

To pay to Mr. Patten, dance, &c.,	00,368
To Mr. John Batt,	01,000
To Captain John West,	10,000
To Mr. John Corker,	01,043
To Sallary,	01,379

13,790

Charles City County—

532 Tithables at 22 ³ / ₄ poll,	11,704
To 50 lb. of Powder at 12 lb.,	00,600
To 100 lb. of Shot at 2,	00,200

12,504

To pay to Howel Price, Clerk,	00,876
To the Honourable Sir Wm. Berkeley, Kn't,	10,358
To Sallary,	01,248

12,482

Elizabeth City County—

395 Tithables at 22 ³ / ₄ poll,	08,690
To 100 lb. Powder at 12 lb.,	01,200
To 170 lb. of Shot at 2 lb.,	340

10,230

^a The public levy laid by the Assembly of 1653, is not all copied in the Randolph MS. Several counties are missing. It was the custom at the time to order that public creditors should receive payments out of the taxes of particular counties.

To pay Sir Wm. Berkeley, Knight,	09,207	
To Sallary,	01,023	
	<hr/>	
	10,230	
Isle of Wight County—		
673 Tithables at 22 ℥ poll,		14,806
To 100 lb. of Powder at 12 lb.,		01,200
To 270 lb. of Shott at 2 lb.,		540
		<hr/>
		16,546
To pay to Coll. Sam'l Mathews,	14,891	
To Sallary,	01,655	
	<hr/>	
	16,546	
Gloster County—		
367 Tithables at 22 ℥ poll,		08,074
To 100 lb. of Powder at 12 lb.,		01,200
To 200 lb. of Shott at 2 lb.,		00,400
		<hr/>
		09,674
To pay Lieut. Coll. John Walker,		
Assign of Christopher Boyce,	00,200	
To Lieut. Coll. Sam'l Mathews,	08,503	
To Sallary,	00,967	
	<hr/>	
	09,670	
Surry County—		
518 Tithables at 22 lb. ℥ poll,		11,396
To 100 lb. Powder at 12 lb.,		01,200
		<hr/>
		12,596
To pay John Phips & Will. Harris,	09,000	
To Mr. John Corker,	02,336	
To Sallary,	01,260	
	<hr/>	
	12,596	
Northumberland County—		
450 at 22 lb. ℥ poll,		09,900
To 100 lb. of Powder at 12 lb.,		01,200
To 150 lb. Shot at 2 lb.,		00,300
		<hr/>
		11,400

To pay to Coll. Sam'l Mathews in full for his Sum of 71,280 lb. Tobacco,	03,451
To Hopkin Powel,	00,377
To Christopher Boyce,	03,800
To Coll. Wm. Clayborn,	02,500
To Mr. Hope,	00,132
To Sallary,	01,110
	<hr/>
	11,370

[ORDER IN REGARD TO PAYMENT OF COUNTY AND PAROCHIAL
BURGESSES.]

At a Grand Assembly holden at James City the first day of December, 1656.

This Day Mr. Peter Ashton Mr. John Wilcox Mr. Thomas Ramsey, Mr. Job Barclay were admitted Burgesses,

Whereas by a former Act of Assembly privilege was Granted to any Parish to send one or two Burgesses and Several Disputations arising thereupon how the Charges of the said particular Burgesses should be Defrayed It is Ordered that every County shall pay the said Burgesses usually sent from the Respective Counties as formerly and if any Parish shall return a Burgess for their particular Occasion then the Charge of the said Burgess to be Levied in and by the Parish that Elected him.

[ORDERS OF ASSEMBLY IN REGARD TO NORTHAMPTON COUNTY
AND LAND ON YORK RIVER.]

[Printed, *Hening*, I, 380-385.]

[THE NUMBER OF BURGESSES FOR EACH COUNTY, NOVEMBER 20, 1654.]

[The *names* are printed in *Hening*, I, 386-387.]

The Publick Levy for this Assembly [November, 1654] laid as followeth :

Westmoreland Dr. 170 Tithables at 20 ³/₄ poll is 4,420.

[PUBLICK ORDERS OF ASSEMBLY.]

[Printed, *Hening*, I, 387-388.]

[ACTS OF ASSEMBLY, MARCH, 1655-56.]

[Printed, *Hening*, I, 393-403.]

[ORDERS OF ASSEMBLY CONVENED DECEMBER 1, 1656.]

[Some of these orders are printed in *Hening*, I, 421-428. The others are printed here.]

Whereas John Fipps by his petition shewed that there was due to him from the Country by former Order One Thousand one hundred pounds of Tobacco but Ommitted in Casting up the Last Levy, It is therefore Ordered that payment be made him of the said sum the next Assembly.

Whereas Thomas Loving High Sheriff of James City County by petition Requested the Opinion of the house whether Coll. Higgison⁶ having been so long absent out of the Country should Enjoy the Privilege of Councillor by exempting certain persons out of the Levies, It is Resolved that in Respect of his Long Absence he being in no Publick Employment shall not have any Persons belonging to him Exempted.

Whereas there was an Order 1650 Granted for three thousand six hundred and Ninety Pounds of Tobacco to be paid out of the Levy of the County of Lancaster to be paid unto Coll. Samuel Mathews which yet remains unsatisfied, It is Ordered that the Collectors of the said County make present thereof and in case of their failing their Security to pay it.

Upon the petitions and Articles of Mr. James Crewes' Exhibited against Capt. Philip We having heard and seen all the

⁶ Col. Humphrey Higginson, of James City county, who had been appointed to the Council in 1641. He died in England in 1665.

⁷ James Crews, of Henrico county, afterwards took the side of Bacon in the Rebellion and was executed. Perhaps this judgment had something to do with his opposition to the Governor. At this time the Assembly was a Court of Appeal and continued to have such jurisdiction until 1683, when it was abolished by order of the King. (*Hening*, III, 550.)

proofs and Arguments that the said Crewes could produce for the Confirmation of them as also the defence and Reply of Capt. Peibles to the same Do unanimously Conceive that the said petition and Charge of Crews is Malicious and Scandalous for neither the taking away of the Neat nor tearing the Book mentioned in the first Article was any ways prejudicious to the said Crewes nor more than Peibles might Lawfully do and for the Stuff mentioned in the second Article it was no cheat (as Charged) but might be disposed of by Capt. Peibles as he pleased and that Crews had Received Satisfaction for the same by Account and for the Stabs and Blows mentioned in the third and fourth Articles they were Occasioned by Crews unworthy and uncivil provocation for which Notwithstanding Peibles hath Given Satisfaction according to order of the County Court. And to the fifth Article no just proof appears on Crews's part whereas we humbly conceive that the said Crews ought to be made Example for such foul Base and unworthy Defamations against Capt. Peibles—by paying Costs of Suit and a fine to Capt. Peibles for two Thousand Pounds of Tobacco and that this be a final Determination of the Differences between them this Report being by the Unanimous Vote of both Houses. Ordered to be confirmed.

Upon a full hearing a Serious and mature consideration of Mr. Harlowe's Petition having weighed his Objections to the bond which by several proofs appears to us to be Authentick, We conceive that Mrs. Whitby's^a *Quietus est* hath been Legally and Justly obtained and that there are no Assets discovered by Us in her Hands to give any other Satisfaction to the said Harlow than what are mentioned in an Order of the Governor and Council of the Ninth of October, 1655, which according to the proviso^e therein Expressed (*viz*) (not infringing the Right and precedency of any former Judgment) we Conceive may be performed towards Satisfactions of the said Harlow it appearing to us that the Order was grounded upon and according to Mr. Harlow's own proposition which said Order Mrs. Whitbey never

^a She was the widow of William Whitby, Speaker of the Assembly of July, 1653. She was Ruth Gorsuch, daughter of Rev. John Gorsuch and his wife, Anne Lovelace, sister of Richard Lovelace, the poet.

refusing to perform we conceive Mr. Harlow had no Cause to put her to this great Charge and Molestation and therefore have Ordered that the said Mr. Harlow pay three thousand pounds of Tobacco for costs and damages upon thrice Voting of which Report in the House on Saturday and Confirming it by another upon Monday at the petition of Mr. Harlow for taking off his damages It is Ordered by this Grand Assembly that the Estate mentioned in the Deed be confirmed to the said Mrs. Whitbey their proper Estate and Remain free and discharged from the Claim of any person or persons that may pretend any title or Interest therein as Creditor to her Late Husband Mr. Whitby.

Upon the Petition of Major John Bond Sheriff of the Isle of Wight County and the petition of Mr. Theophilus Hone Sheriff of Elizabeth County Complaining that their Counties have been over Rated in the List of Tithables (viz) the Isle of Wight by 38 persons amounting to twelve hundred Ninety and two pounds of Tobacco and Elizabeth City 32 persons amounting to one Thousand Eighty and Eight pounds of Tobacco, It is Ordered that the said Sums be taken off the said Counties respectively and Laid upon Lancaster County where they are Increased since the last Year's List 152 persons.

Upon The Petition of Mr. John Page it is Ordered that he be allowed five hundred pounds of Tobacco more for a Horse lost in the last Expedition having formerly had two Thousand pounds of Tobacco allowed him by the Governor and Council which we conceive too little.

Upon the petition of Mrs. Margaret Skinnar It is Ordered that the Schedule annexed to her petition for the making Good of her Articles to her Children out of Mr. Skinnar's Estate done by Order of the Isle of Wight Courts as very Reasonable and Just be so confirmed by this Assembly.

Upon the Motion of Coll. Flood against Mr. Will. Batt for tending of Seconds and being found guilty of the Breach of the said Act, It is Ordered that the Seconds be destroyed and the said Batts to pay two thousand pounds of Tobacco according to the said Act.

It is Ordered that Thomas Woodward Clerk to the Committee of private Causes this Assembly being allowed out of the next Year's Levies fifteen hundred pounds of Tobacco.

Upon The petition of Richard Nicholas It is Ordered that the County pay unto the said Nicholas Sixteen hundred pounds of Tobacco to be placed in Charles City County towards the Charge and Costs he hath been in recovering and finding a Horse which was carried away of the said Nicholas which Horse was upon the Service in the second Expedition.

Upon the Petition of Robert Ellison whereas in the former Sessions of this Assembly the difference between him and Lieut. Coll. Swan appeareth to have been debated at [the Committee for private Causes and a Report thereof made to the Assembly but not determined by reason of Mr. Ellison's sudden departure out of Town this Assembly finding that former Report just and reasonable have Ordered the same to be ratified and confirmed.

In the Business between Nicholas Seabrill and Capt. Giles Brent by consent of both parties it was agreed that an inquest of the Old Neighbours (viz't) Mr. Nicholas Brook Ralph Simkin and Mr. Richard Daines should to the best of their Knowledge Lay forth the said Land and after it is laid out that the Sheriff possess the said Seabrill therewith and this to be a final Determination of the Business the said Brent paying Seabrill fifteen hundred pounds of Tobacco for costs and Damages (viz't) five hundred pounds of Tobacco this Year and one Thousand pounds of Tobacco the next Year which is Ordered and Confirmed Accordingly.

Upon the petition of Thomas Dipual It is Ordered that he be allowed five hundred pounds of Tobacco for Damages done to his Boat in carrying Soldiers provisions up to the Fort.

Mr. Anthony Langston's⁹ petition is reversed to further proof.

Upon the Petition of Ralph Langley concerning Damage sustained by a Boat of his presst for the Service of the Country It is Ordered that he be allowed five hundred pounds of Tobacco.

Upon the petition of Master Anthony Wyat for Satisfaction concerning a Boat bulged in the Country Service, It is Ordered that he be allowed five hundred pounds of Tobacco.

⁹ Anthony Langston, who had been an ensign in Prince Maurice's regiment during the Civil War in England, returned to that country in 1662 after fourteen years' residence in Virginia. He killed a man in a brawl and was found guilty of manslaughter, but was pardoned and became a captain in the navy. (Neill's *Virginia Carolorum*, 287.)

Upon the Petition of Mr. Bannister it is Ordered. that he be allowed four hundred pounds of Tobacco for the use of his Boat and two hundred Seventy and Seven pounds of Tobacco for provisions that he furnished Coll. Hill withall for the use of the Soldiers.

Upon the Petition of Coll. Edward Hill It is Ordered that he be Satisfied Six Thousand pound of Tobacco for Ammunition and other provisions procured by him for the use of the Army.¹⁰

Upon the Petition of Walter Cooper It is Ordered that fifteen hundred pounds of Tobacco be allowed him for his Attendance and Service done to the last Assembly and this.

Upon the Petition of Thomas Hunt It is Ordered That three hundred and twenty pounds of Tobacco be allowed to the four Men for their Service done to the Publick mentioned in his Petition.

Upon the Petition of Henry Walker It is Ordered that he have four hundred pounds of Tobacco for his pains of finding a Horse of Wm. Jupons and four Hundred pounds of Tobacco more when he shall bring in the Other Stray Horse supposed to be Rich'd Egleston's.

It is Ordered that Sir William Berkeley be allowed four Thousand five hundred pounds of Tobacco and Cask with the Tobacco upon the Sale of his House It being according to the Agreement tho' Ommitted by the Clerk and that it be placed upon James City County.

Upon the Petition of Thos. Loving Sheriff of James City County We think fit that he should be allowed two thousand three hundred pounds of Tobacco.

EDW'D DIGGS.

FRANCIS MORYSON, Speaker.

(TO BE CONTINUED)

¹⁰ The military service for which several payments were made was the campaign against the Richahecrian Indians, when the settlers under Col. Edward Hill were defeated at a place traditionally said to be Bloody Run, now within the city of Richmond.